

## REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1-19 are pending in this application. In this response, claims 1, 6, 11, 16, 17, 18, and 19 are amended for further clarity. Support for the amendments can be found in the specification and claims as originally filed. For example, the optional inclusion of a transcription terminator in an expression vector is disclosed at page 7, line 14. No new matter is added.

### **Rejection Under 35 U.S.C. § 102(b)**

Claims 11-17 have been rejected under 35 U.S.C. §102(b) as anticipated by Rosenkrantz et al., *Curr. Genet.* 25:1851, 1994. The Examiner contends that Rosenkrantz et al. disclose a polynucleotide construct comprising the CIT1 coding sequence linked to the CIT1 promoter. This rejection is respectfully traversed.

The present invention encompasses expression of heterologous protein sequences in yeast under the control of the CIT1 promoter. The present specification defines a "heterologous polypeptide" as "one in which the mature part of the protein sequence....is derived from a different species than that of the host cell" (specification at page 8, lines 6-8). On this basis, claims 11 and 17 have been amended herein to specify that the polypeptide being expressed is non-yeast, i.e., heterologous with respect to a cell in which the CIT1 promoter (a yeast promoter) would be active. It is believed that no new matter is added as a result of this amendment, and that the amendment obviates this rejection. Accordingly, it is respectfully submitted that this amendment has been overcome and may be withdrawn.

### **Rejections Under 35 U.S.C. § 112, Second Paragraph**

Claims 1-10 and 17-19 have been rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness, for: (i) the lack of antecedent basis for "the desired polypeptide" (claim 1); (ii) the lack of antecedent basis for "the expressed polypeptide" (claim 6); (iii) the recitation of "a possible transcription terminator sequence" (claim 17); (iv) the recitation of "yeast cells" (claims 18 and 19); and (v) the lack of antecedent basis for "a vector..." (claim 19).

In this response, claims 1, 6, 17, 18, and 19 have been amended to remove informalities. It is respectfully submitted that the claims as currently amended are definite, and that these rejections may be withdrawn.

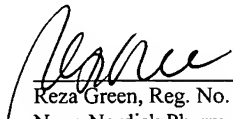
Applicants acknowledge that the Examiner has found claims 1-10 to be free of the prior art.

**Conclusion**

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Commissioner is hereby authorized to charge any fees in connection with this application and to credit any overpayments to Deposit Account No. 14-1447. The Examiner is invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: July 12, 2004

  
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Reza Green, Reg. No. 38,475  
Novo Nordisk Pharmaceuticals, Inc.  
100 College Road West  
Princeton, NJ 08540  
(609) 987-5800

**Use the following customer number for all correspondence regarding this application.**

**\*23650\***

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